

☐ PROBATION VIOLATOR  
☐ COMMUNITY CONTROL VIOLATOR  
☐ RESENTENCE

☐ SENTENCE ABSENTIA  
☐ MODIFIED

☐ AMENDED  
☐ MITIGATED  
☐ CORRECTED

IN THE CIRCUIT COURT,  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY, FLORIDA  
DIVISION FELONY

STATE OF FLORIDA

CASE: 312007CF000850AXXXXX

--VS--

GILLIAMS, DAMIEN H  
DEFENDANT

JUDGMENT

The Defendant, GILLIAMS, DAMIEN H,  
this Court represented by MENZ, NICOLE,  
state represented by EVANS, M LEVERING

being personally before  
the attorney of record, and the  
and having:

- ☐ Been tried and found guilty by jury/by court of the following crimes  
☐ Entered a plea of guilty to the following crimes  
☒ Entered a plea of nolo contendere to the following crimes

COUNT	CRIME	STATUTE	DEGREE	OBTS NUMBER
1	SECOND DEGREE GRAND THEFT LIO	812 014		FS 3101055143

☐ and no cause having been shown why the Defendant should not be adjudicated guilty,  
IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crimes.

☒ and having been convicted or found guilty of, or having entered a plea of nolo  
contendere or guilty, regardless of adjudication, to attempts or offenses relating to  
sexual battery (ch. 794) or lewd and lascivious conduct (ch.800), or murder (s.782/04)  
aggravated battery (s. 784.045), carjacking (s. 812.133), or home invasion robbery  
(s. 812.135), or any other offense specified in section 943.325, the defendant shall  
be required to submit blood specimens or other biological specimens approved by FDLE.

☒ and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

DONE AND ORDERED in open Court in Indian River County, Florida this  
24TH day of AUGUST, 2009.

☐ NUNC PRO TUNC TO

JUDGE

ROBERT A. HAWLEY

LCRIMINAL/CRFJUDGMTR.CRFJUDGMTP 20060626

FILED FOR RECORD  
FELONY DIVISION  
09 AUG 31 PM 2:31  
J. K. BARTON  
CLERK OF CIRCUIT COURT  
INDIAN RIVER COUNTY, FLA.











STATE OF FLORIDA

VS

DAMIEN H GILLIAMS

CASE: 312007CF000850AXXXX

## FINGERPRINTS OF THE DEFENDANT

1. R Thumb 	2. R Index 	3. R Middle 	4. R Ring 	5. R Little 
6. L Thumb 	7. L Index 	8. L Middle 	9. L Ring 	10. L Little 

Fingerprints taken by: David DuPlessis Deputy Sheriff  
NAME TITLE

Defendant: **DAMIEN H GILLIAMS**

DONE AND ORDERED in Open Court at Indian River County,  
 Florida, this 24 day of August, 2009.

I HEREBY CERTIFY that the above and foregoing fingerprints are  
 the fingerprints of the Defendant, and that they were placed  
 thereon by said Defendant in my presence in Open Court this date.

  
 Judge

**ROBERT A. HAWLEY**

DEFENDANT GILLIAMS, DAMIEN H

CASE: 312007CF000850AXXXX

OBTS#: 3101055143

## SENTENCE

(As to count 1)

The Defendant, being personally before this court, accompanied by the defendant's attorney of record, MENZ, NICOLE and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

(Check one if applicable.)

- ☐ and the Court having on 01/01/0001 deferred imposition of sentence until this date 01/01/0001
- ☐ and the Court having previously entered a judgment in this case on 01/01/0001 now resentsences the defendant.
- ☐ and the Court having placed the defendant on Probation/Community control and having subsequently revoke the defendant's Probation/Community control.

It Is The Sentence Of The Court that:

- ☐ The defendant pay a fine of \$0.00 pursuant to section 775.083, Florida Statutes, plus \$0.00 as the 5% surcharge required by section 960.25, Florida Statutes.
- ☐ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of \_\_\_\_\_ County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.
- ☒ The defendant is hereby sentenced to 5 YEARS Probation \_\_\_\_\_ Community Control.

To Be Imprisoned (Check one, unmarked sections are inapplicable):

- ☐ For a term of natural life.
- ☐ For a term of \_\_\_\_\_ as a condition of ☐ Probation ☐ Community Control
- ☐ Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

If 'split' sentence, complete the appropriate paragraph.

- ☐ Followed by a period of ☐ Probation \_\_\_\_\_ ☐ Community Control \_\_\_\_\_ under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein
- ☐ However, after serving a period of \_\_\_\_\_ imprisonment in the balance of the sentence shall be suspended and the defendant shall be placed on Probation/Community control for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

DEFENDANT: GILLIAMS, DAMIEN H

CASE: 312007CF000850AXXXX

## SPECIAL PROVISIONS

(As to Count 1)

By appropriate notation, the following provisions apply to the sentence imposed:

## Minimum/Mandatory Provisions:

Firearm	_	It is further ordered that the <u>0</u> year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
Drug Trafficking	_	It is further ordered that the _____ minimum mandatory imprisonment provisions of section 893.135(1), Florida Statutes is hereby imposed for the sentence specified in this count.
Controlled Substance Within 1,000 Feet of School	_	It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
Habitual Felony Offender	_	The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provision of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
Habitual Violent Felony Offender	_	The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ years must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
Law Enforcement Protection Act	_	It is further ordered that the defendant shall serve a minimum of <u>0</u> years before release in accordance with section 775.0823, Florida Statutes.
Capital Offense	_	It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.
Short-Barreled Rifle Shotgun, Machine Gun	_	It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
Prison Releasee Reoffender	_	The defendant is adjudicated a prison releasee reoffender and has been sentenced to an extended term of _____ years as such in accordance with the provisions of section 775.082(9)(a) In accordance with section 775.082(b) the defendant must serve 100 percent of that portion of the total sentence.
Criminal use of Personal Identification Information	_	It is further ordered that the 3 year mandatory minimum imprisonment provision of section 817.568(2)(b). Florida Statutes hereby imposed for the sentence specified in this court.

DEFENDANT: GILLIAMS, DAMIEN H

CASE: 312007CF000850AXXXXX

## Other Provisions:

- Continuing Criminal Enterprise \_ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.
- Taking a Law Enforcement Officer's Firearm \_ It is further ordered that the 3-year mandatory minimum imprisonment provision of section 755.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Retention of Jurisdiction \_ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes(1983).
- Jail Credit \_ It is further ordered that the defendant shall be allowed a total of \_\_\_\_\_ as credit for time incarcerated before imposition of this sentence. \_ All Cts. or Ct. \_\_\_\_\_
- Credit for Time Served in Resentencing after Violation of Probation or Community Control \_ It is further ordered that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case \_\_\_\_\_, (Offenses committed before October 1, 1989).
- \_ It is further ordered that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count \_\_\_\_\_ (Offenses committed between October 1, 1989, and December 31, 1993)
- \_ The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(6).
- \_ The Court allows unforfeited gain time previously awarded on the above case/count, (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1)).
- \_ It is further ordered that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017. Florida Statutes, on case \_\_\_\_\_ (Offenses committed on or after January 1, 1994)
- Consecutive/Concurrent As to Other Counts \_ It is further ordered that the sentence imposed for this count shall run (check one) \_ consecutive to \_ concurrent with the sentence set for in count \_ 0 of this case.
- Consecutive/Concurrent As To Other Convictions \_ It is further ordered that the composite term of all sentencing imposed for the counts specified in this order shall run (check one) \_ consecutive to \_ concurrent with the following:
- (Check One) \_ any active sentence being served.  
\_ specific sentences:

DEFENDANT: GILLIAMS, DAMIEN H

CASE: 312007CF000850AXXXXX

**Other Provisions:**

In the event the above sentence is to the Department of Corrections, the Sheriff of Indian River County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendants right to be assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends

\$59,325.00 IN RESTITUTION TO STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AGENCY, MAY EARLY TERMINATE WHEN ALL FEES, COSTS AND RESTITUTION  
HAVE BEEN PAID, ALL FEES AND COSTS TO BE PAID IN EQUAL MONTHLY PAYMENTS

DONE AND ORDERED in open court at Indian River County,  
Florida this 24TH DAY OF AUGUST, 2009.

  
\_\_\_\_\_  
Judge**ROBERT A. HAWLEY**

FILED FOR REC. AND  
CLERK DIVISION  
09 AUG 31 PM 2:31  
J. A. PARTON  
CLERK OF CIRCUIT COURT  
INDIAN RIVER COUNTY, FLA.

IN THE CIRCUIT COURT,  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY, FLORIDA  
DIVISION FELONY

STATE OF FLORIDA

CASE: 312007CF000850AXXXXX

--VS--

GILLIAMS, DAMIEN H  
DEFENDANT

## ORDER ON CHARGES/COSTS/FEEES

The defendant is hereby ordered to pay the following sums  
if checked:

- ☒ \$50.00 Pursuant to section 938.03, Florida Statutes  
(Crimes Compensation Trust Fund)
- ☒ \$3.00 as a court cost pursuant to section 938.01, Florida  
Statutes (Additional Court Cost Trust)
- ☒ \$2.00 as a court cost pursuant to section 938.15, Florida  
Statutes (Local Law Enforcement Education)
- \_\_\_\_\_ A fine in the sum of \_\_\_\_\_ pursuant to section 775.0835,  
Florida Statutes. (This provision refers to the optional fine for  
the Crimes Compensation Trust Fund and is not applicable unless  
checked and completed. Fines imposed as part of a sentence to  
section 775.083, Florida Statutes, are to be recorded on the  
sentence page.
- \_\_\_\_\_ Clerk Fee (Review of Indigency Application)
- \_\_\_\_\_ A 5% surcharge in the sum of \_\_\_\_\_ pursuant to section  
938.04, Florida Statutes
- ☒ A sum of \$200.00 pursuant to section 938.05, Florida Statutes  
(Local Government Criminal Justice Trust Fund)
- ☒ A sum of \$5825.00 pursuant to section 938.27, Florida Statutes  
(Prosecution/Investigative Costs)
- \_\_\_\_\_ A sum of \_\_\_\_\_ pursuant to section 27.56, Florida Statutes  
(Public Defender Fees)
- ☒ Restitution in accordance with order.
- ☒ Other: RECORDING FEE FOR COSTS \$15.00
- \_\_\_\_\_ Indigency Application Fee
- \_\_\_\_\_ Crime Stoppers \$20.00 pursuant to section 938.06
- \_\_\_\_\_ \$25.00 Partial Payment Setup Fee
- \_\_\_\_\_ As Court cost pursuant to 775.083(2) (BOCC)
- ☒ \$65.00 As Court cost pursuant to 939.185(1) (B) (BOCC)
- \_\_\_\_\_ \$37.00 Recording Fees
- ☒ \$25.00 Clerk of Court TF/DOR/GEN pursuant to 938.05(1) (A)

DONE AND ORDERED in the open court in Indian River County, Florida  
this 24TH day of AUGUST, 2009.

JUDGE

ROBERT A. HAWLEY

09 AUG 31 PM 2:31  
CLERK OF CIRCUIT COURT  
INDIAN RIVER COUNTY, FLA